

REMARKS/ARGUMENTS

Claims 33-64 were previously pending in the application. Claims 33, 38-40, 46, 48, 49, 54-56, and 62 are amended and new claims 65-66 are added herein. Assuming entry of this amendment, claims 33-66 are now pending in this application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

35 U.S.C. 132(a) Objection

In pages 2-3 of the Office Action, the Examiner objected to claims 33-64 as allegedly containing new matter unsupported by the originally filed specification. In response, the Applicant has amended claims 33 and 49 to remove the allegedly new matter (although the Applicant does not necessarily admit that the removed matter was new matter.). The Applicant submits that, as a result, the new-matter objection has been overcome.

Claim 33 has also been amended to preserve proper antecedent basis following the above-noted amendments.

These amendments were not made to overcome any prior-art rejections.

35 U.S.C. §112 Rejections

In pages 3-4, the Examiner rejected claims 33-64 under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement by allegedly being directed to new matter not supported by the specification. The Applicant submits that the above-noted amendments overcome this rejection. Therefore, the Applicant submits that claims 33-64 should now be allowable.

Miscellaneous Amendments

Claims 38-40 and 54-56 have been amended to recite a “second transmitter” instead of simply a “transmitter” in order to avoid ambiguities with the “first transmitter” recited in independent claims 33 and 49 from which claims 38-40 and 54-56, respectively, depend. In one embodiment of the claimed invention, the second transmitter is part of the recited network device, while the first transmitter is not part of the recited network device. It should be noted that the reference to the second transmitter of the network device does not and should not in any

way imply that a conforming network device needs to have at least two transmitters. For example, in one typical implementation of claim 38, the “second transmitter” refers to the one and only transmitter of the network device.

Claims 46 and 62 have been amended for improved antecedent basis to recite that the first set of one or more parameters is based on moving averages. Claim 48 has been amended for improved antecedent basis to recite that the database table is adapted to store each different identifier corresponding to each set of one or more parameters.

These amendments were not made to overcome any prior-art rejections.

Prior-Art Rejections

In pages 5-9, the Examiner rejected claims 1-13, 15-28, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Haartsen (U.S. Pat. App. Pub. No. 2002/0131486) in view of Partyka (U.S. Pat. No. 6,925,105). In pages 10-11, the Examiner rejected claims 14 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Haartsen in view of Partyka, in further view of Chung et al. (U.S. Pat. No. 6,731,618). In pages 11-12, the Examiner rejected claims 31 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Haartsen in view of Partyka, in further view of DeMartin et al. (U.S. Pat. No. 6,421,527).

Since claims 1-32 are canceled, the Applicant submits that the rejections of those claims are moot. The Applicant further submits that none of the currently pending claims have been rejected based on any prior-art references.

Claims 65 and 66

New claims 65 and 66 are supported by the originally filed specification at page 10, lines 5-9. The Applicant submits that these claims are allowable since no prior-art references have been cited against the base claims of claims 65 and 66.

Conclusion

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to **Mendelsohn & Associates, P.C. Deposit Account No. 50-0782.**

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

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